

## **EXHIBIT U**

SUPERIOR COURT OF WASHINGTON FOR KING COUNTY

BLC WATER COMPANY, LLC, INDIANA  
WATER TECHNOLOGY, LLC,  
COLEWSTECH, LLC, RCWSTECH 1157,  
LLC, ROYAL RESERVOIRS, LLC,  
CHAURISHI RETAIL ENTERPRISES, LLC,  
KDAWG CRYPTO, LLC, PACIFIC WATER  
TECHNOLOGY, LLC, KWANSOO LEE,  
DDS, PLLC, KWANSOO LEE, BRIAN CHU,  
BRIAN CHU DDS, INC., LARINA CHU,  
LAURINA CHU DDS, INC., BRIAN AND  
LAURINA CHU DDS, INC., DAVID  
SCHROEDER, SARAH SCHROEDER, RON  
COLE, KAREN LAVIN, BASANT KUMAR,  
DEREN FLESHER, TYLER SADEK,  
NATALIE SADEK, AND FOUNDERS  
MOSAIC PARTNERS, LLC,

Plaintiffs,

v.

FIRST FED BANK, FIRST NORTHWEST  
BANCORP, NORMAN TONINA, CRAIG  
CURTIS, JENNIFER ZACCARDO, CINDY  
FINNIE, DANA BEHAR, MATTHEW  
DEINES, SHERILYN ANDERSON,  
GABRIEL GALANDA, LYNN  
TERWOERDS, JOHN DOES 1-10,

Defendants.

No. 24-2-20247-1 SEA

**SUBPOENA DUCES TECUM**

RELATED CASES:

No. 24-2-12567-1 SEA

No. 24-2-19871-7 SEA

No. 24-2-10753-3 SEA

No. 24-2-08418-5 SEA

TO: KASI O'LEARY  
220 VERT RD #222  
PORT ANGELES, WA 98363

☒ YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION 1015 Second Avenue, 10 <sup>th</sup> Floor Seattle, WA 98104 (or other agreed location)	DATE AND TIME <u>October 25, 2024 at 10:00 a.m. (PST)</u> METHOD OF RECORDING Video/Stenograph
--	---

☒ YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or tangible things at the place, date, and time specified below (list documents or objects):

**See Exhibit/Attachment A**

PLACE Corr Cronin LLP 1015 Second Avenue, Floor 10 Seattle, WA 98104-1001  <b>Electronically to:</b> <a href="mailto:jbender@corrchronin.com">jbender@corrchronin.com</a> , <a href="mailto:slarussa@corrchronin.com">slarussa@corrchronin.com</a>	DATE AND TIME  October 18, 2024 by 5:00 p.m. (PST)
---	--

<u>ISSUING OFFICER SIGNATURE AND TITLE</u>	<u>DATE</u>
CORR CRONIN LLP  <u>s/John T. Bender</u> John T. Bender, WSBA No. 49658	September 7, 2024

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER

John T. Bender, WSBA No. 49658  
CORR CRONIN LLP  
1015 Second Avenue, Floor 10

SUBPOENA DUCES TECUM – 2

**CORR CRONIN LLP**  
1015 Second Avenue, Floor 10  
Seattle, Washington 98104-1001  
Tel (206) 625-8600  
Fax (206) 625-0900

Seattle, WA 98104-1001  
Telephone: 206-625-8600  
jbender@corrchronin.com

**PROOF OF SERVICE**

DATE

PLACE SERVED

SERVED ON (PRINT NAME)

MANNER OF SERVICE

SERVED BY (PRINT NAME)

TITLE

**DECLARATION OF SERVER**

I declare under penalty of perjury under the laws of the State of Washington that the foregoing information contained in the Proof of Service is true and correct.

DATE/PLACE

SIGNATURE OF SERVER

Executed on:

ADDRESS OF SERVER

CR 45, Sections (c) & (d):

**(c) Protection of Persons Subject to Subpoenas.**

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction, which may include, but is not limited to, lost earnings and a reasonable attorney's fee.

(2)(A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d)(2) of this rule, a person commanded to produce and permit inspection and copying may, within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve upon the party or attorney designated in the subpoena written objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy the materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has

1 been made, the party serving the subpoena may, upon notice to the person commanded to produce and  
2 all other parties, move at any time for an order to compel the production. Such an order to compel  
3 production shall protect any person who is not a party or an officer of a party from significant expense  
4 resulting from the inspection and copying commanded.

(3)(A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena  
if it:

- (i) fails to allow reasonable time for compliance;
- (ii) fails to comply with RCW 5.56.010 or subsection (e)(2) of this rule;
- (iii) requires disclosure of privileged or other protected matter and no exception or waiver  
applies; or
- (iv) subjects a person to undue burden, provided that, the court may condition denial of the  
motion upon a requirement that the subpoenaing party advance the reasonable cost of producing the  
books, papers, documents, or tangible things.

(B) If a subpoena

- (i) requires disclosure of a trade secret or other confidential research, development, or  
commercial information, or
- (ii) requires disclosure of an unretained expert's opinion or information not describing specific  
events or occurrences in dispute and resulting from the expert's study made not at the request of any  
party, the court may, to protect a person subject to or affected by the subpoena, quash or modify the  
subpoena or, if the party in whose behalf the subpoena is issued shows a substantial need for the  
testimony or material that cannot be otherwise met without undue hardship and assures that the  
person to whom the subpoena is addressed will be reasonably compensated, the court may order  
appearance or production only upon specified conditions.

#### **(d) Duties in Responding to Subpoena.**

(1) A person responding to a subpoena to produce documents shall produce them as they are kept  
in the usual course of business or shall organize and label them to correspond with the categories in the  
demand.

(2)(A) When information subject to a subpoena is withheld on a claim that it is privileged or subject to  
protection as trial preparation materials, the claim shall be made expressly and shall be supported by a  
description of the nature of the documents, communications, or things not produced that is sufficient to  
enable the demanding party to contest the claim.

(B) If information produced in response to a subpoena is subject to a claim of privilege or of protection  
as trial-preparation material, the person making the claim may notify any party that received the  
information of the claim and the basis for it. After being notified, a party must promptly return, sequester,  
or destroy the specified information and any copies it has; must not use or disclose the information until  
the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before  
being notified; and may promptly present the information in camera to the court for a determination of  
the claim. The person responding to the subpoena must preserve the information until the claim is  
resolved.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

**EXHIBIT A  
INSTRUCTIONS**

1. For the below Requests, you are to produce all documents in your possession, custody or control, including, without limitation, documents in storage and documents held by agents, attorneys, or other persons on your behalf and subject to your control. In case of any ambiguity as to whether a document is called for by the Requests contained herein, such document is to be produced.

2. If in responding to these Requests you encounter any ambiguities construing either a question, instruction, or definition, set forth the matter deemed ambiguous and the construction used in responding.

3. If an objection is stated with respect to a portion of a Request, the remaining portion of the Request is to be responded to notwithstanding the objection. If you object to the scope or time period of a Request, the objection is to be stated and the Request responded to for the scope and time period which you believe is appropriate.

4. If any Request cannot be responded to in full after exercising due diligence to secure the information or documents, you are to so state and respond to the extent possible, specifying your inability to respond. If for any reason a response is qualified, you shall set forth the details of such qualification.

5. If you withhold any document or information based on the attorney-client privilege, the attorney work-product immunity, or any other privilege or immunity, you must identify the document or information withheld and provide the following information: (i) a description of the document or information, including the nature of the document or information (e.g., email, letter, or database); (ii) the author(s) and/or creator(s) of the document or information; (iii) the recipient(s) or addressee(s) of the document or information; (iv) the date

1 of the document or information; (v) the subject matter of the document or information; (vi) the  
2 nature of all privileges or immunities claimed; and (vii) all such additional information as is  
3 necessary for Plaintiffs to understand and challenge the withholding of the document or  
4 information, as appropriate.

5 6. These Requests are intended to cover all information and documents in your  
6 possession, custody or control. If any document described in the Requests or responses thereto  
7 was, but no longer is, in your possession, custody or control, or in existence, state whether:

- 8 a. It is missing or lost;  
9 b. It has been destroyed;  
10 c. It has been transferred, voluntarily or involuntarily, to others;  
11 d. It has been disposed of otherwise.

12 7. In each instance identified in response to Instruction No. 6 above, explain the  
13 circumstances surrounding such disposition and identify the person(s) directing or authorizing  
14 same, and the date(s) thereof, including but not limited to a copy of the document retention  
15 policy. Identify each document by listing its author, the author's address, type of document,  
16 date, subject matter, present location(s) and custodian(s), and state whether the document (or  
17 copies) are still in existence.

18 8. If the requested document is known to exist, but you do not possess or have  
19 custody or control over the document, it shall be so indicated along with the name of the person  
20 who has possession, custody or control of the document.

21 9. The relevant time period for these Requests is January 1, 2018 to the present,  
22 unless otherwise indicated in or by the context of a particular Request.  
23  
24  
25

1           10. You are required to produce the requested documents in such manner as will  
2 facilitate their identification with the particular Request or category of Requests to which they  
3 are responsive.

4           11. These Requests include within their scope electronically stored information,  
5 including all data stored, available from, or maintained by electronic means, including: any  
6 electronic/computer media, including, but not limited to, stand-alone computers, laptops,  
7 document management systems, networks, on-site servers, cloud storage, project management  
8 platforms, such as Slack or SmartSheet, messaging platforms, such as Microsoft Teams or  
9 iMessage, virtual meeting platforms, such as Zoom Video or Cisco Web-Ex, voice mail  
10 systems, social media accounts, cell phones, tablets or other similar handheld digital devices.  
11 You have an obligation to preserve and protect all such information for purposes of this  
12 litigation. You are, therefore, instructed to do the following:

- 13           a. Do not initiate any procedures that would alter any active, deleted, or fragmented  
14 files that might be relevant to this litigation;
- 15           b. Immediately cease any over-writing, alteration, deletion, or destruction of  
16 electronic media that may result in the alteration or loss of any electronically  
17 stored information, including any document retention or destruction policies you  
18 would normally follow in the ordinary course of business;
- 19           c. Do not dispose of any electronic media storage device that may contain  
20 electronically stored information that might be relevant to this litigation;
- 21           d. E-mails and other electronic Documents may appear to have been “deleted”  
22 from a desktop or other computer device; however, they are not necessarily  
23 irretrievable. Therefore, you should search for evidence on hard drives,  
24 networks, backup tapes, or wherever else data may be stored.

25           12. Deliver each document produced in response to these Requests contained herein  
in a manner that preserves its sequential relationship with other documents being produced,  
including the file folder and folder tab associated with its file location, and if not apparent on  
the folder or tab, accompanied by identification of the person or location from which the files



were taken and such additional source information as is necessary to enable the parties to determine the document's original pre-production location. E-mails and other electronic documents should be produced as single-page TIFF images with companion text files. The images should be unitized by each individual logical document, endorsed with a sequential alphanumeric Bates number (e.g. ABC000001), and named to correspond to the Bates number endorsement on the first page of the document (e.g. ABC000001.txt). To the extent practicable, each individual document and communication based on an electronic file should be accompanied by a corresponding text file containing the searchable text for the document. The text file should be named to correspond to the Bates number endorsement on the first page of the document or communication (e.g. ABC000001.txt). In addition to the extracted text files, all productions should include a load file for Relativity with DAT and Opticon files that include the following metadata fields:

Field	Description/Example
BegBates	ABC0000001
EndBates	ABC0000002
BegAttach	ABC0000001
EndAttach	ABC0000004
Custodian	Last Name, First Name
From	Address(es) of sender
To	Address(es) of recipients
CC	Address(es) of copied recipients
BCC	Address(es) of blind copied recipients
Subject-Email	Subject line of the email
FileName	Name of the original native file, including extension
DateSent	Date the email was sent
TimeSent	Time the email was sent
DateReceived	Date the email was received
TimeReceived	Time the email was received
TimeZone Processed	The time zone in which the emails were standardized during conversion
FileExtension	The file type extension representing the Email or native file document

Field	Description/Example
Author	Author of the document
DateCreated	Date the document was created
TimeCreated	Time the document was created
DateLastModified	Date the document was last modified
TimeLastModified	Time the document was last modified
DateLastAccessed	Date the document was last accessed
TimeLastAccessed	Time the document was last accessed
PageCount	Number of pages in document/file
InternalFilePath	Original location of email including original file
MessageID (INTMSGID)	Unique Message ID
MD5Hash	MD5 Hash value of the document.
TextPath	Path to extracted text file associated with the
NativeLink/FilePath	Path to the native file (if applicable)

Native File Productions: When producing files that cannot be imaged such as Microsoft Excel or other spreadsheet files, it is preferred that these are produced in their native format, but should include a TIFF image as a placeholder for the file to represent the file in the production set. The TIFF image placeholder for a native file should be branded with a unique Bates number and state "Document Produced in Native Format" on the TIFF image. The native file should then be renamed to match the Bates number assigned to the document with its original file extension. The filename field produced in the production load file that reflects the original metadata should maintain the original file name.

## DEFINITIONS

1. The term "Wear" refers to Ryan Wear and/or the business known as "WaterStation Technology," and any of its present and former affiliates, subsidiaries, agents, employees, servants, attorneys, representatives, and any and all persons acting or who have acted for or on their behalf, including, without limitation, Kevin Nooney or Larry Houk.

2. The terms "you," and "your," refer to the addressee, Kasi O'Leary.

1           3.       The term “document” has the full meaning ascribed to it in CR 34, including the  
2 original (and every cop of the original which differs in any way from it) of all written, recorded,  
3 or graphic matter in any and all media however produced or reproduced, including but not  
4 limited to any handwriting, typewriting, printing, photographing and every other means of  
5 recording upon any tangible thing any form of communication or representation, including  
6 electronic records, e-mails, letters, words, pictures, sounds, symbols or combinations thereof.

7           4.       The term “communication” is used in its broadest sense and shall mean the  
8 transmission, sending, and/or receipt of information of any kind by and/or through any means,  
9 whether face-to-face or otherwise, including, but not limited to, speech, writings, language  
10 (machine, foreign, or otherwise), computer electronics of any kind (including e-mail), magnetic  
11 tape, video tape, photographs, graphs, symbols, signs, magnetic disks, sound, radio, and/or  
12 video signal, telephone, teletype, telecommunication, telegram, facsimile, e-mail, .pst., text  
13 message, transmission, microfilm, microfiche, and/or photographic film of any type.

14           5.       The words “all” and “any” mean “any and all”; and the word “including” means  
15 “including without limitation.”

16           6.       “Identify each writing and its custodian” means to describe each writing with  
17 particularity sufficient to identify the same by subpoena duces tecum and state the name,  
18 address, telephone number and job title or position of the person having possession, custody or  
19 control thereof.

#### 20                               **DOCUMENTS TO BE PRODUCED**

21           1.       All documents and communications referencing or regarding any of the  
22 following:

- 23               a.   Wear;
- 24               b.   Wear investors, including Plaintiffs;
- 25

- c. Wear's purported sale of machines to investors;
- d. Loans to Wear and/or default of said loans;
- e. Wear-related loan programs for investors;
- f. Brokers for Wear investors;
- g. Wear related depository or credit accounts or activity in those accounts;
- h. Wear related bonds or proceeds thereof;
- i. Wear's financial condition or solvency; and
- j. Wear's business practices.

#### **PRESERVATION DEMAND**

WHETHER OR NOT SPECIFICALLY REQUESTED BY THE DOCUMENT REQUESTS OF THIS PARTICULAR SUBPOENA, DEMAND IS HEREBY MADE THAT YOU PRESERVE ALL RELEVANT AND POTENTIALLY RELEVANT DOCUMENTS, COMMUNICATIONS, AND ELECTRONICALLY STORED INFORMATION, AND THAT YOU NOT ALTER OR DESTROY ANY DEVICES OR DATA STORED ON DEVICES OR EQUIPMENT THAT COULD CONTAIN POTENTIALLY RELEVANT DOCUMENTS, COMMUNICATIONS, AND/OR ELECTRONICALLY STORED INFORMATION. NOTICE IS HEREBY GIVEN THAT THE ISSUING PARTY DEEMS SUCH MATERIAL AN INVALUABLE SOURCE OF EVIDENCE AND/OR OTHERWISE DISCOVERABLE INFORMATION IN THE ABOVE-REFERENCED ACTION. THE ISSUING PARTY HEREBY EXPRESSLY RESERVES THE RIGHT TO ISSUE ADDITIONAL SUBPOENAS FOR THE PRODUCTION OF ADDITIONAL DOCUMENTS, TESTIMONY, AND/OR DISCLOSURE OF DISCOVERABLE INFORMATION DURING THE PENDENCY OF THE ABOVE-REFERENCED CASE.